

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

It is believed the 35 U.S.C. §112, second paragraph and 35 U.S.C. §101 rejections of claims 35 and 36 do not apply to the presently pending claims.

Claims 19-36 were rejected under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 5,798,425 to Albrecht et al. Applicants respectfully traverse.

Attached is a Rule 132 Declaration of inventor Albrecht, a named co-inventor of the cited '425 patent. The declaration contains data that show that the properties of the copolymers of the present invention, which contain more than 50% acrylic acid, are surprisingly better than the properties of the compounds of the cited reference. This applies, in particular, to the properties of slump, air pore content and compressive strength.

The comparative data in the declaration are the result of testing with a compound having an acrylic acid content of about 32 mole percent, i.e., the upper limit of Albrecht. The superiority of the product of the present invention clearly shows that the claimed invention is not obvious in view of the '425 patent.

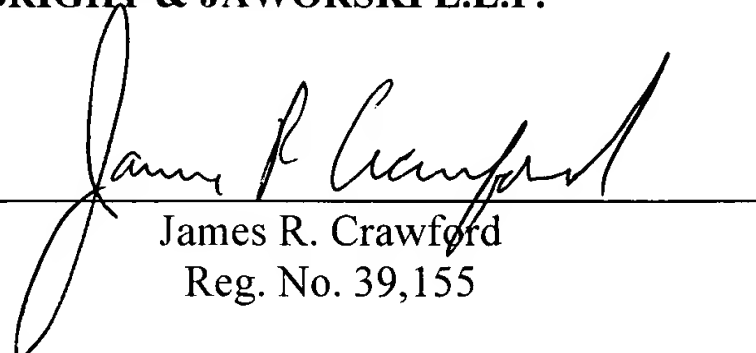
In view of the foregoing, allowance is respectfully requested.

No fee is believed to be due, however, should a fee become due the Commissioner is hereby authorized to deduct any fee associated with this filing from Deposit Account No. 50-0624.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By

A handwritten signature in black ink, appearing to read "James R. Crawford", is written over a horizontal line.

James R. Crawford
Reg. No. 39,155

666 Fifth Avenue
New York, N.Y. 10103
(212) 318-3148

Enclosure- Rule 132 Declaration